IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No 86l0 of 2004

Bharat Sanchar Nigam Ltd ..Petitioner

vs

Pune Mun Corpn and ors....Respondents

Mr.Smt Masurkar for Vinay S Masurkar for petitioner

Mr.R.G.Ketkar for respondents

CORAM: A.P.SHAH & S.C DHARMADHIKARI JJ.

Dated l4.l2.2004

P.C:

. Mr.Ketkar, learned counsel appearing for the respondents states that the respondents have taken a decision to withdraw the impugned notices and the Corporation is contemplating issuance of fresh notices in respect of towers erected on private properties only. Ms Masurkar, learned counsel appearing for the petitioners however, submitted that in view of the provisions of section l0(a) and (b) of Indian Telegraph Act, no such prior permission of the Corporation is required even in respect of towers on private properties. We need not express any opinion on this issue at this stage. In case such a notice is issued in respect of towers on private properties, it would be open for the noticees to seek appropriate remedy against the same. However, we make it clear that no action

shall be taken in respect of such towers without giving l5 days prior notice to the BSNL. Petition is disposed of in terms of above order.